

SENATE FINANCE, WAYS, AND MEANS COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3225

House Bill No. 3142*

by deleting the amendatory language of SECTION 7 in its entirety and by substituting instead the following:

(N) Negligent deprivation of statutory rights created under Tennessee law, except for actions arising out of claims over which the civil service commission has jurisdiction.

The claimant must prove under this subdivision that the legislature expressly conferred a private right of action in favor of the claimant against the state for the state's violation of the particular statute's provisions;

by deleting the fourth sentence of the amendatory language in SECTION 17 and by substituting instead the following:

For workers' compensation purposes, when voluntary payments of compensation or medical expenses have been paid by the division of claims administration or the administrator of the state's workers' compensation program, a claim to recover any unpaid or further workers' compensation benefits must be instituted in the claims commission within the one-year period prescribed in § 50-6-203, except in those cases provided for by § 50-6-230 or by § 7-51-201.

by deleting the amendatory and directory language of SECTION 18 in its entirety and by substituting instead the following:

SECTION 18. Tennessee Code Annotated, Section 9-8-307(a)(1)(I), is amended by deleting the semicolon “;” which appears immediately after the word “structures” and by substituting instead a comma “,”.

by adding the following new sentence at the end of the amendatory language in SECTION 20:

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A district attorney general who fails to supply the division with the report required in subsection (d) of this section within one hundred eighty (180) days of the division's receipt of the claim shall be deemed to have waived the right to apply for a suspension under this section, unless good cause is shown for such failure.

by deleting the following from the amendatory language in SECTION 25:

(g) Notwithstanding any other law to the contrary, if the division denies a claim on the basis that the claimant does not meet the eligibility requirements for compensation under this part and the claimant appeals the denial to the commission, or if the division transfers the claim to the commission as a result of its inability to honor or deny the claim within the ninety (90) day settlement period, the commission shall consider the claim for the sole purpose of determining whether the claimant meets such eligibility requirements.

and by substituting instead the following:

(g) Notwithstanding any other law to the contrary, if the division denies a claim on the basis that the claimant does not meet the eligibility requirements for compensation under this part and the claimant appeals the denial to the commission, or if the division transfers the claim to the commission as a result of its inability to honor or deny the claim within the ninety (90) day settlement period, the commission shall consider the claim for the sole purpose of determining whether the claimant meets such eligibility requirements. Such an eligibility requirement may include a determination as to whether the claimant has shown good cause for failing to file the claim within the one (1) year period as prescribed in subsection (a) of this section.

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by deleting the amendatory language of SECTION 30 and by substituting instead the following:

40-38-1____. The office of the district attorney general shall notify in writing each victim of a violent crime who may be eligible for compensation under the criminal injuries compensation act of the methods by which the victim may obtain such compensation.

The written notice shall be substantially in the form and content as prescribed by the state treasurer. In cases involving the death of such a victim, the notification shall be given to the closest relative to the deceased victim. For purposes of this section, "closest relative" shall have the same meaning as that given in § 34-11-101 (3).

by adding the following language as a new, appropriately designated section to immediately follow the existing Section 30 and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 9-8-307(i), is amended by deleting that subsection in its entirety and by substituting instead the following:

(i)(1) Claims that were timely filed against state employees with a court of competent jurisdiction and that fall within the jurisdiction of the claims commission found in subsection (a)(1)(A) shall be dismissed as to the state employees and transferred to the division of claims administration to proceed as a claim against the state provided that the state employees alleged to have acted negligently were, at the time of the incident giving rise to the claim, operating a private motor vehicle within the scope of the employees' office or employment, and the employees' action or inaction was not willful, malicious, criminal or done for personal gain. When a motion for transfer is made, the court shall require that notice be given to the attorney general and the state shall be

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permitted to intervene and respond to the motion. Upon such transfer, the claim shall be considered timely filed with the division of claims administration and the claims commission. Such transfer shall be effected upon an order of dismissal and transfer from the court. Any such transfer must be made within one (1) year of the filing of the original complaint with the court or the passage of this act, whichever is later. Such claims shall be considered by the division of claims administration and the claims commission, as provided by law. This subsection shall be effective for causes of action arising on or after July 1, 1995, pending at the time of passage of this act and causes of action arising on or after the effective date of this act.

(2) Claims which are transferred to the division of claims administration pursuant to this subdivision shall be investigated by the division of claims administration, acted upon or transferred by the division, and acted upon by the claims commission pursuant to the same statutory requirements and procedures as apply to claims originally filed with the division of claims administration.

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